

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**



Revised 07/07 WDNY

Michelle A. Schenck "Prose"

Jury Trial Demanded: Yes \_\_\_ No \_\_\_

\_\_\_\_\_  
Name(s) of Plaintiff or Plaintiffs

-VS-

United Airlines

**DISCRIMINATION COMPLAINT**

21 -CV- 659

\_\_\_\_\_  
Name of Defendant or Defendants

You should attach a copy of your **original Equal Employment Opportunity Commission (EEOC) complaint**, a copy of the Equal Employment Opportunity Commission **decision**, AND a copy of the **"Right to Sue"** letter you received from the EEOC to this complaint. Failure to do so may delay your case.

**Note:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

This action is brought for discrimination in employment pursuant to (check only those that apply):

\_\_\_\_\_ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

**NOTE:** In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

**NOTE:** In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

\_\_\_\_\_ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

**NOTE:** In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

**JURISDICTION** is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

**In addition to the federal claims indicated above,** you may wish to include New York State claims, pursuant to 28 U.S.C. § 1367(a).

\_\_\_\_\_ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

## **PARTIES**

1. My address is: 2815 Hopkins Rd, Amherst, NY 14228  
\_\_\_\_\_  
\_\_\_\_\_

My telephone number is: Home # 716 691 9298, Cell # 716 390 1200

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: United Airlines  
\_\_\_\_\_

Number of employees: 500+  
\_\_\_\_\_

Address: 233 South Wacker Drive, 11<sup>th</sup> Floor  
Chicago, IL 60606  
\_\_\_\_\_  
\_\_\_\_\_

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **CLAIMS**

4. I was first employed by the defendant on (date): March 2, 1998  
\_\_\_\_\_

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: July 2015
6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): July 18, 2019 August 14, 2019  
December 16, 2019 to December 18, 2019
7. I believe that the defendant(s)
- a.        Are still committing these acts against me.
- b. ✓ Are not still committing these acts against me.
- (Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) January 27, 2020
8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)
- The date when I filed a complaint with the New York State Division of Human Rights is  
\_\_\_\_ (estimate the date, if necessary)
- I filed that complaint in (identify the city and state): \_\_\_\_\_
- The Complaint Number was: \_\_\_\_\_
9. The New York State Human Rights Commission did \_\_\_\_\_ /did not \_\_\_\_\_ issue a decision. (NOTE: If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: May 12, 2020
11. The Equal Employment Opportunity Commission did \_\_\_\_\_ /did not \_\_\_\_\_ issue a decision. (NOTE: If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: \_\_\_\_\_ (NOTE: If it

**did** issue a Right to Sue letter, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)

13. I am complaining in this action of the following types of actions by the defendants:

- a. \_\_\_\_\_ Failure to provide me with reasonable accommodations to the application process
- b. \_\_\_\_\_ Failure to employ me
- c. ☒ Termination of my employment
- d. \_\_\_\_\_ Failure to promote me
- e. \_\_\_\_\_ Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
- f. \_\_\_\_\_ Harassment on the basis of my sex
- g. \_\_\_\_\_ Harassment on the basis of unequal terms and conditions of my employment
- h. \_\_\_\_\_ Retaliation because I complained about discrimination or harassment directed toward me
- i. \_\_\_\_\_ Retaliation because I complained about discrimination or harassment directed toward others
- j. \_\_\_\_\_ Other actions (please describe) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

14. Defendant's conduct is discriminatory with respect to which of the following (*check all that apply*):

- |                          |  |
|--------------------------|--|
| a. _____ Race            | f. _____ Sexual Harassment   |
| b. _____ Color           | g. <input checked="" type="checkbox"/> Age<br><u>July 5, 1955</u> Date of birth                                |
| c. _____ Sex             | h. _____ Disability<br>Are you incorrectly perceived as being disabled by your employer?<br>_____ yes _____ no |
| d. _____ Religion        |  |
| e. _____ National Origin |  |

15. I believe that I was ☒ /was not \_\_\_\_\_ **intentionally** discriminated against by the defendant(s).

16. I believe that the defendant(s) is/are \_\_\_\_\_ is not/are not ☒ still committing these acts against me. (If you answer is that the acts are not still being committed, state when: January 27, 2020 and why the defendant(s) stopped committing these acts against you: Defendant terminated my Employment.

17. **A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim.** (NOTE: You **must** attach a copy of the **original complaint** you filed with the Equal Employment Opportunity Commission and a copy of the **Equal Employment Opportunity Commission affidavit** to this complaint; failure to do so will delay initiation of your case.)

18. The Equal Employment Opportunity Commission (*check one*):  
☐ **has not** issued a Right to sue letter  
☒ **has** issued a Right to sue letter, which I received on February 26, 2021

19. State here as briefly as possible the *facts* of your case. Describe how each defendant is involved, including *dates* and *places*. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (*Use as much space as you need. Attach extra sheets if necessary.*)

My story, please see Attachment (3 pgs).

**FOR LITIGANTS ALLEGING AGE DISCRIMINATION**

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct  
☒ 60 days or more have elapsed ☐ less than 60 days have elapsed

**FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM**

21. I first disclosed my disability to my employer (or my employer first became aware of my disability on \_\_\_\_\_

22. The date on which I first asked my employer for reasonable accommodation of my disability is \_\_\_\_\_  
\_\_\_\_\_
23. The reasonable accommodations for my disability (if any) that my employer provided to me are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
24. The reasonable accommodation provided to me by my employer were \_\_\_\_/were not \_\_\_\_ effective.

**WHEREFORE**, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: 9/21/2021

Madeleine Schindl "ProSie"

Plaintiff's Signature



9/21/2021

Michelle A Schenck "Pro Se" vs United Airlines

Case# 21 cv 659

I am requesting permission to remove my complaint of race discrimination in violation of Title VII of the Civil Rights Act of 1964 against United Airlines. If possible to remove Case#21 cv 659 and/or appoint a new Case# or amend.

I plaintiff Michelle A Schenck "Pro Se" had substantial changes and I feel very strongly regarding my complaint of age discrimination. I am without prejudice in this matter. My claim has not been served to the defendant. The case is far from a possible trial.

Amended Case:

My complaint: I have exhausted my administrative remedies. On February 26th, 2021 EEOC issued my "Right To Sue" letter. I am filing this charge in complaint of age discrimination (07/05/1955), harassment and hostile work environment I have experienced violating The Age Discrimination in Employment Act of 1967 against United Airlines.

On March 3rd, 1998 I began working as a flight attendant for legacy United Airlines. Throughout my 22 years of employment I performed my duties competently and successfully. I was hard working, dedicated and loyal. I received numerous commendations and positive reviews from CEO's, managers, peers and passengers. I have earned work-related privileges that were extremely resented with criticism which United intended to get rid of its senior flight attendants. United welcomed any criticism of its oldest employees in order to justify the eventual termination of senior employees and created a hostile work environment. United is terminating older employees at an unprecedented rate. United targeted me with malicious false allegations to justify termination based on my age.

#1- In July 2015 I spoke to Mr. Kolon Goins, Newark Inflight Supervisor, and asked him how to get assigned to the "designated crew" list? Why Sport Charter trips that younger junior co-workers are assigned to work? Mr. Goins was unable to answer my questions and referred me to speak to another Supervisor. I felt intimidated when I asked questions fearful of being red flagged by United management.

#2- On July 18, 2019 A New York Jets Charter trip was posted in the Reserve Pool date in August. I questioned a Union Representative for Newark AFA Union Local council desk how the charter trip could be assigned one month in advance (August 14, 2019) to young flight attendants who are on "Reserves" on the "Flight Loft"? The crew list consists of young less experienced flight attendants than myself. The union representative did not answer my questions referring me to speak to Ms. Gloria Reid; a Newark Inflight Supervisor who is also the Sports Charter Coordinator who assigns the "Designated Crew" list. I questioned Ms. Reid; she did not address my question.

United continually staffed less experienced younger aged co-workers with less seniority violating my seniority and age. United blocked me from the Flight Attendant App called "CCS" trip trading and trip pickup system. The Charter flights were assigned to younger employees and had nothing to do with eligibility but likability of younger aged employees than myself.

#3- On July 31, 2019 I notified via text to Ms. Pamela Caponetti Newark AFA Local Union Representative asking why Charter Trips were assigned to young junior "Line holders" where my system seniority would hold these charter trips? And young junior "Reserve" flight attendants assigned charter trips one month in advance? Ms. Caponetti text "all ball club charters are hand picked by the Charter Coordinators".

On 12/16/19 to 12/18/19 I worked EWR-LHR-EWR (3-day trip).

12/16/19: Newark International Airport, 12/17/19: Layover(off duty), 12/18/19: London Heathrow

On 12/16/19 I checked-in and introduced myself to 7 working flight attendants. It was not reciprocated. I felt singled out and ignored. I worked in an economy class on the right aisle of the aircraft beverage cart along with co-worker Blandin Clark. We worked well together with good teamwork unlike the other co-workers.

On 12/17/19 Layover. Blandin Clark asked to join me for shopping and dinner at the mall.

Blandin spent just over a year in seniority at United and it was his first London trip. Blandin and I went to the mall and in lighthearted conversation at dinner he mentioned that people do not think of him as a black African American because of his light colored skin. He also mentioned the mistreatment and lack of teamwork the co-workers displayed towards me being the oldest employee working the trip and together we continued shopping.

On 12/18/19 London Heathrow International Airport (elevator) I made a comment to the co-workers of the great layover time with Blandin and remarked " I had such a nice time with Blandin yesterday, that boy even helped me hold my bags while I put my coat on, what a gentlemen" and act of kindness.

2020:

On 1/15/20 Investigation Meeting. United failed transparency. I did not receive all the documents.

On 1/27/20 Decision Meeting; Terminated. Reason; Derogatory Remarks. Issued by Ms. Gloria Reid; Newark Inflight Supervisor and Charter Coordinator.

On 2/1/20 Received "Employee Separation Letter" Reason; Released- Unsatisfactory Performance.

On 2/5/20 Sent Letter of Appeal to AFA- MEC Union Representatives.

On 5/12/20 EEOC filed. Mediation offered and denied by United,

On 7/22/20 United's Position Statement to EEOC. United does not have the correct facts. United's statements contain numerous falsehoods and are inaccurate. I did not intentionally violate United's Policies and Procedures or Working Together Guidelines.

2021:

On 2/26/21 AFA-MEC Union Appeal 1 Meeting- No reversal of termination status.

On 2/26/21 EEOC "Right to Sue" letter received (enclosed letter).

I was terminated because of my age (DOB 7/5/1955). United engaged in a pattern of intentionally discriminating and retaliating against older long-time employees and replacing them with younger aged employees. United failed to prevent discrimination and systemic harrassment of management supervisors by intimidation and a hostile work environment. I had a stellar work history and twenty-two years of great performance. I was forthcoming and



apologized for a gross misunderstanding of the reference to a younger co-worker than myself as "boy".

I feel I was targeted and fired as opposed to a lesser punishment because of my age and status as a senior flight attendant. United terminated me and selected such a harsh penalty despite my 20+ years of spotless work record and overall performance and my above and beyond exemplary customer safety and service because I am an older employee who is more expensive to employ than younger new hires. United didn't choose a lighter penalty of suspension or counsel due to my age that would have contemplated me remaining employed, because of and as a direct result of my age.

As a consequence of United's unlawful termination I have suffered and continue to suffer considerable lost wages and benefits (401K with match, unlimited travel and life insurance) including my family. My professional reputation is harmed, career derailment, emotional physical distress, ongoing anxiety and mental anguish, sleeplessness, loss of enjoyment of everyday life, strained relationship with my family and friends, suffering psychologically impacted by and changing my life.

In addition, the loss of my seniority and with employment records that include termination "Unsatisfactory Performance", however unjustified, I will have extreme difficulty finding a comparable position any time in the foreseeable future.

I allege claim of age discrimination under The Age Discrimination in Employment Act of 1967. Wrongful termination of employment and Hostile Work Environment, intentional infliction of emotional distress. Termination without good cause against United Airlines.

  
Michelle A Schenck "Pro Se"

Date: 9/21/2021